

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



March 25, 02

Regulation Package #0100-01

CDSS MANUAL LETTER NO. CCL-01-21

TO: HOLDERS OF THE COMMUNITY CARE LICENSING MANUAL, TITLE 22, DIVISION 6,
CHAPTER 6, ADULT RESIDENTIAL FACILITIES

Regulation Package #0100-01**Effective 10/25/01****Section 85001 and 85081**

In 1998, the legislature enacted SB 2199, Chapter 946 (Statutes of 1998) which added Chapter 13.5 (commencing with Section 15760) to Part 3 of Division 9 of the Welfare and Institutions Code relating to adult protective services (APS). Section 14 of this legislation stated that the Director of Social Services shall adopt regulations to implement the provisions of this act no later than January 31, 2000. In 1999, the legislature enacted SB 1003, Chapter 670, (Statutes of 1999) which allowed CDSS to use all-county letters to implement provisions in the act until regulations were adopted. This extended the time to develop regulations by deleting Section 14 of SB 2199, Chapter 946 (Statutes of 1998).

In addition to providing 24-hour, 7-day a week response to abuse reports, APS is responsible for providing emergency shelter to guarantee a safe place for the victim to stay until the dangers at home can be resolved. When a dependent adult victim of abuse in need of care and supervision is removed from his/her residence, placement in a CDSS licensed facility may act as that emergency shelter. Emergency placements in licensed facilities is limited to adult residential facilities and residential care facilities for the elderly.

Existing regulations require the completion of several assessments and other information prior to admission in a facility. The regulations are being adopted to include a grace period for completing some of the documentation in order to allow emergency placements by county APS.

The regulations will ensure the protection of current facility clients while providing a safe-haven for adult/elder victims of abuse. The regulations also assist APS in accomplishing its responsibilities as set forth in SB 2199.

FILING INSTRUCTIONS

Revisions to all manuals are shown in graphic screen. The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Community Care Licensing changes was Manual Letter No. CCL-01-20. The latest prior manual Adult Residential Facilities changes was Manual Letter No. CCL-01-03.

Page(s)

1 and 2
4 and 4.1
5
27.1 and 27.2
27.3 and 27.4

Replace(s)

Pages 1 and 2
Pages 4 and 4.1
Pages 5
Pages 27.1 and 27.2
Pages 27.3 and 27.4

Attachment

SP

TABLE OF CONTENTS**TITLE 22, DIVISION 6****CHAPTER 6 ADULT RESIDENTIAL FACILITIES****Article 1. General Requirements and Definitions**

	Section
General	85000
Definitions	85001
Definitions - Forms	85002

Article 2. Licensing

Posting of License	85009
--------------------------	-------

Article 3. Application Procedures

Application for License	85018
Plan of Operation	85022

Article 4. Administrative Actions (Reserved)**Article 5. Enforcement Provisions**

Serious Deficiencies	85051
----------------------------	-------

Article 6. Continuing Requirements

Basic Services	85060
Reporting Requirements	85061
Administrator Qualifications and Duties	85064
Administrator Certification Requirements	85064.2
Administrator Recertification Requirements	85064.3
Denial or Revocation of a Certificate	85064.4
Forfeiture of a Certificate	85064.5
Personnel Requirements	85065
Day Staff-Client Ratio	85065.5
Night Supervision	85065.6
Personnel Records	85066
Admission Agreements	85068
Admission Procedures	85068.1

TABLE OF CONTENTS (Continued)

Article 6 (Continued)

	Section
Needs and Services Plan	85068.2
Modifications to Needs and Services Plan.....	85068.3
Acceptance and Retention Limitations	85068.4
Repealed by Manual Letter No. CCL-97-05, effective 2/1/97.....	85068.5
Mental Health Intake Assessment.....	85069.3
Client Records.....	85070
Personal Rights	85072
Health-Related Services.....	85075
Observation of the Client	85075.3
Food Service	85076
Personal Services	85077
Responsibility for Providing Care and Supervision.....	85078
Activities	85079
Resident Councils	85080
Requirements for Emergency Adult Protective Services Placements.....	85081

Article 7. Physical Environment

Buildings and Grounds	85087
Outdoor Activity Space.....	85087.2
Indoor Activity Space	85087.3
Fixtures, Furniture, Equipment and Supplies.....	85088

Article 8. (Reserved)

Article 9. Administrator Certification Training Programs

Initial Certification Training Program Approval Requirements	85090
Denial of Request for Approval of an Initial Certification Training Program.....	85090.1
Revocation of an Initial Certification Training Program	85090.2
Continuing Education Training Program Vendor Requirements.....	85091
Continuing Education Training Program Course Approval Requirements	85091.1
Administrative Review of Denial or Revocation of a Continuing Education Course	85091.2
Denial of a Request for Approval of a Continuing Education Training Program.....	85091.3
Revocation of a Continuing Education Training Program.....	85091.4

Article 1. GENERAL REQUIREMENTS AND DEFINITIONS**85000 GENERAL****85000**

- (a) Adult residential facilities, as defined in Section 80001a.(5), shall be governed by the provisions specified in this chapter and in Chapter 1, General Requirements.

NOTE: Authority cited: Section 1530, Health and Safety Code. Reference: Sections 1501, 1502, 1530 and 1531, Health and Safety Code.

85001 DEFINITIONS**85001**

In addition to Section 80001, the following shall apply.

- a. (1) "Adult protective services agency" means a county welfare department, as defined in Welfare and Institutions Code Section 15610.13.

HANDBOOK BEGINS HERE

- (A) Welfare and Institutions Code Section 15610.13 defines "adult protective services agency" to mean a county welfare department, except persons who do not work directly with elders or dependent adults as part of their official duties, including members of support staff and maintenance staff."

HANDBOOK ENDS HERE

- b. (Reserved)
- c. (1) "Certificate holder" means a person who has a current administrator's certificate issued by the Department regardless of whether the person is employed as an administrator in an adult residential facility.
- (2) "Certified administrator" means a person who has been issued an Administrator Certification by the Department and whose certification is current.
- (3) "Classroom Hour" means sixty (60) minutes of classroom instruction with or without a break. It is recommended that no more than twenty (20) minutes of break time be included every four (4) hours of instruction. No credit is given for meal breaks.
- (4) "Co-locate" means that a vendor applicant is approved for more than one program type, i.e., ARF, RCFE, GH, and has received approval to teach specific continuing education courses at the same time and at the same location. Co-location is allowed for Continuing Education Training Program vendors only.

85001 DEFINITIONS (Continued)**85001**

- (5) "Complete Request" means the vendor applicant has submitted and the Department has received all required information and materials necessary to approve or deny the request for certification program and/or course approval.
- (6) "Continuing Education Training Program Vendor" means a vendor approved by the Department to provide Continuing Education training courses to adult residential facility administrators and certificate holders to qualify them for renewal of their adult residential facility administrator certificate.
- (7) "Course" means either, (1) a quarter-or-semester-long structured sequence of classroom instruction covering a specific subject, or (2) a one-time seminar, workshop or lecture of varying duration.
- d. (Reserved)
- e. (Reserved)
- f. (Reserved)
- g. (Reserved)
- h. (Reserved)
- i. (1) "Initial Certification Training Program Vendor" means a vendor approved by the Department to provide the initial thirty-five (35) hour certification training program to persons who do not possess a valid adult residential facility administrator certification.
- (2) "Initial Vendor Application" means the application form, LIC 9141, used to request approval from the Department to become a vendor for the first time.
- j. (Reserved)
- k. (Reserved)
- l. (1) "Licensed Mental Health Professional" means a licensed clinical psychologist; a psychiatrist; a licensed clinical social worker; or a licensed marriage, family and child counselor.
- m. (Reserved)
- n. (1) "Needs and Services Plan" means a written plan that identifies the specific needs of an individual client, including those items specified in Sections 80068.2 and 85068.2, and delineates those services necessary to meet the client's identified needs.

85001	DEFINITIONS (Continued)	85001
--------------	--------------------------------	--------------

- o. (Reserved)
- p. (Reserved)
- q. (Reserved)
- r. (1) "Renewal Vendor Application" means the application form, LIC 9141, used to request approval from the Department to continue another two (2) years as an approved vendor.
- s. (Reserved)
- t. (Reserved)
- u. (Reserved)
- v. (1) "Vendor" means a Department-approved institution, association, individual(s), or other entity that assumes full responsibility or control over a Department-approved Initial Certification Training Program and/or a Continuing Education Training Program.

(2) "Vendor Applicant" means any institution, association, individual(s) or other entity that submits a request for approval of an Initial Certification Training Program and/or a Continuing Education Training Program.
- w. (Reserved)
- x. (Reserved)
- y. (Reserved)
- z. (Reserved)

NOTE: Authority cited: Sections 1530 and 1562.3(i), Health and Safety Code. Reference: Sections 1501, 1502.2, 1507, 1530, 1531, and 1562.3, Health and Safety Code, and Section 15610.13, Welfare and Institutions Code.

This page is intentionally left blank.

85081

**REQUIREMENTS FOR EMERGENCY ADULT
PROTECTIVE SERVICES PLACEMENTS**

85081

- (a) The licensee shall be permitted to accept emergency placements by an adult protective services (APS) agency, if the licensee has received approval from the Department to provide emergency shelter services.
- (1) To obtain approval, the licensee shall submit a written request to the Department. The request shall include, but not limited to, the following:
- (A) A letter of interest from the county APS agency stating that if the request to provide emergency shelter services is approved, the APS agency may enter into an agreement with the licensee to provide such services.
1. A copy of the written agreement between the APS agency and the licensee, listing the responsibilities of each party, shall be sent to the Department within seven calendar days of signing.
- (B) A written addendum to the Plan of Operation, specified in Sections 80022 and 85022, that includes procedures for the intake of an APS emergency placement. The addendum shall specify how the licensee will meet the needs of a client placed on an emergency basis, such as on-call staff, additional staff and training.
1. The procedures shall include, but not be limited to, provisions for a private room.
- a. The licensee shall provide a private room for the client until an individual program plan or a Needs and Services Plan has been completed, specified in Sections 80068.2 and 85068.2.
- b. The Department may approve an alternative to a private room, such as awake or additional staff, but an alternative shall not be approved if it displaces staff or other clients of the facility.

85081

**REQUIREMENTS FOR EMERGENCY ADULT
PROTECTIVE SERVICES PLACEMENTS** (Continued)

85081

- (C) A licensee of an adult residential facility may accept an elderly client, 60 years of age or older, for emergency placement under the following conditions:
1. The APS agency has written a statement indicating a local need exists for the licensee to accept elderly emergency placements.
 - a. The licensee attaches this APS statement of local need [Section 85081(a)(1)(C)1.] to the written request, specified in Section 85081(a)(1).
 - b. The licensee must request a statement each year from the APS agency, indicating a local need still exists as specified in Section 85081(a)(1)(C)1., and submit the statement to the Department.
- (b) The Department shall provide written approval or denial of a licensee's request to provide emergency shelter services within 15 working days of its receipt.
- (c) The licensee shall comply with the regulations in Title 22, Division 6, Chapter 1 (General Licensing Requirements) and Chapter 6 (Adult Residential Facilities), unless otherwise stated in Section 85081. These regulations include, but are not limited to, the following:
- (1) The licensee shall not exceed the capacity limitations specified on the license and shall not allow rooms approved only for ambulatory clients to be used by nonambulatory clients, as specified in Section 80010.
 - (2) The licensee shall meet the requirements in Section 80020(b) on fire clearance if the licensee has accepted a nonambulatory client, defined in Section 80001n.(2).
- (d) The licensee shall not accept the following persons as APS emergency placements:
- (1) Individuals who use metered-dose and dry powder inhalers [Section 80075(a)(2)(A)].
 - (2) Individuals who require oxygen [Section 80075(h)].
 - (3) Individuals who rely upon others to perform all activities of daily living [Section 80077.2].
 - (4) Individuals who lack hazard awareness or impulse control [Section 80077.3].
 - (5) Individuals who have contractures [Section 80077.5].
 - (6) Individuals who have prohibited health conditions [Section 80091].

- (7) Individuals who have restricted health conditions [Section 80092].
 - (8) Individuals who require inpatient care in a health facility [Section 85068.4(a)(2)].
 - (9) Any individual whose primary need is acute psychiatric care due to a mental disorder [Section 85068.4(a)(5)].
 - (10) Individuals who are receiving hospice care.
- (e) The licensee shall not admit an APS emergency placement unless the APS worker is present at the facility at the time of admission.
- (f) Prior to acceptance of an APS emergency placement, the licensee shall obtain and keep on file the following information received from the APS worker:
- (1) Client's name.
 - (2) Client's ambulatory status.
 - (3) Name(s) and telephone number(s) of the client's physician(s).
 - (4) Name(s), business address(es), and telephone number(s) of the APS worker responsible for the client's placement and the APS case worker, if known.
 - (5) Name, address, and telephone number of any person responsible for the care of the client, if available.
- (g) At the time of the APS emergency placement, the licensee shall ensure receipt of a mental health intake assessment, specified in Section 85069.3, for mentally ill clients.
- (h) Within seven calendar days of an APS emergency placement, the licensee shall obtain other client information specified in Sections 80070 and 85070.
- (1) The client must have tuberculosis test [Section 80069(c)(1)] by the seventh day of placement even though the test results may not be available by the seventh day of placement.

85081

**REQUIREMENTS FOR EMERGENCY ADULT
PROTECTIVE SERVICES PLACEMENTS** (Continued)

85081

- (i) The licensee shall contact the client's attending physician or the person authorized to act for the physician to identify all of the client's prescribed medications and usage instructions [Section 80069(c)(3)] by the next working day, but no later than 72 hours from the initial APS emergency placement.
 - (1) The attending physician or the person acting for the physician shall have access to the client's records to determine whether the full medication regimen is accounted for and accurate.
 - (2) If medication verification, as specified in Section 85081(i), has not been obtained within 72 hours from the client's initial placement, the licensee shall contact the APS worker to request that the client be relocated, as specified in Section 85081(j).
- (j) The licensee shall contact the APS worker to request that the client be relocated immediately when the licensee identifies that needs cannot be met or that the client has a condition specified in Section 85081(d).
 - (1) The licensee cannot retain a client aged 60 years or older beyond 30 calendar days from initial placement by the APS agency unless the following requirement is met:
 - (A) The licensee must request an exception, specified in Section 80024(b)(2), within 30 calendar days of initial placement, but the client must be relocated if the Department denies the request.
- (k) Within seven calendar days of the licensee making any changes to an agreement with an APS agency, the licensee shall notify the Department in writing of these changes, which may include a renewed agreement, amended language and/or notification of a terminated agreement.
- (l) All emergency placements are subject to the same record requirements as set forth in Section 80070(f).

NOTE: Authority cited: Sections 1530 and 1531, Health and Safety Code; Sections 15763(a), (a)(2), and (d), Welfare and Institutions Code; and Senate Bill 2199 (Chapter 946, Statutes of 1998), Section 14 uncodified. Reference: Section 15610.13, Welfare and Institutions Code; and Sections 1501, 1502, 1507, 1507.3, 1520, 1531.1, 1533, 1536.1, 1536.3, 1557.5, 1562.6 and 13131, Health and Safety Code.